

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

SHAQUINN SMITH,

*

Plaintiff,

*

v.

Case No. 3:16-CV-122-CDL

*

DR. JEFFREY WILLIAMS,

*

Defendant.

*

NOTICE OF SUMMARY JUDGMENT MOTION

A motion for summary judgment has been filed in this court in a case in which you are a party. You are hereby notified that within 30 days from the date said motion was served upon you, you must file all materials, including any affidavits, depositions, answers to interrogatories, admissions on file, and any other relevant materials which you wish to be considered in opposition to the motion for summary judgment, Federal Rules of Civil Procedure, Rule 56(c)(1)(B). THE CLAIMS YOU ASSERT IN YOUR PLEADINGS MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THE MOTION.

Under Federal Rule of Civil Procedure 56, summary judgment can be granted only if there are no genuine disputes as to any material fact and if the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). The party opposing a motion for summary judgment cannot simply rely on the pleadings. Fed. R. Civ. P. 56(c); *Celotex*, 477 U.S. at 324. To establish that a genuine fact dispute exists, the party opposing summary judgment must respond by filing affidavits, depositions, or other materials to persuade the Court that the case must be presented to a jury for resolution. Fed. R. Civ. P. 56(c); *Celotex*, 477 U.S. at 324. Therefore, Rule 56 provides that you may NOT oppose summary judgment simply by relying on the allegations in your pleadings.

Local Rule 56 requires a motion for summary judgment to be accompanied by a separate document containing a short and concise statement of material facts in numbered paragraphs. Local Rule 56 also requires a party opposing a summary judgment motion to file a separate concise statement of material facts responding to the numbered paragraphs of the moving party's statement. The local rule further requires that the statements of material fact by both parties must include a reference to that part of the record that supports each statement.

If you do not respond to the motion for summary judgment on time with affidavits or documentary evidence contradicting the material facts asserted in the motion for summary judgment, the Court may accept the factual assertions in the motion as true. FINAL Judgment may then be entered on the claim or claims without a trial.

This 30th day of November, 2016.

David W. Bunt, Clerk

s/ Gail G. Sellers, Deputy Clerk